REMARKS

Applicants have now had an opportunity carefully consider the Examiner's comments set forth in the Office Action of August 9, 2006.

Applicants have now had an opportunity carefully consider the Examiner's comments set forth in the Office Action of August 9, 2006. Reconsideration and reexamination of the application is requested.

The Office Action

Claims 1-5, 7, 10-18 and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starek (U.S. Patent No. 6,070,174) in view of Ainsbury et al. (U.S. Patent No. 6,078,924).

Claims 6, 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starek and Ainsbury and in further view of Trusheim (U.S. Patent No. 6,385,589).

Finally, claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starek and Ainsbury and in further view of Satoh (U.S. Patent No. 6,122,446).

Claims 1-28 remain in the application. Independent claims 1, 12, 22 and 25 have been amended in order to further clarify the claimed invention. Applicants respectfully request that rejections to the application be withdrawn for at least the following reasons.

Brief Description

The disclosure relates to a method and system for secured data file erasure and confirmation. The application claims a system and a method for providing a status report following the request of the destruction of files. The user or system administrator can select a quantity of and pattern to be used in order to overwrite the data files so that no one can recover the erased data from the storage median. This system and method allows for flexible programmable sequence of overwrite to satisfy any desire to overwrite requirements as set by the customer. This system further allows for a data file erasure at discrete points in time to allow for a unique customized overwrite of the data file.

Cited Art

Starek is a method and system for a real time secured data deletion and a system having an NTFS file system. Starek discloses that one of its technical advantages of

current systems in use is that this system call for real time secured data file deletion on an ongoing basis. This system monitors read calls by using a read filter and pointers to an NTFS metafile using a write filter and real time secured data deletion buffers. Stated another way, Starek claimed the technical advantage of being able to perform in a manner transparent not only to the user but also the operating system. Furthermore, it does this on a real time ongoing basis. Thus, the secure deletion of files on storage devices is accomplished without relying on periodic actions by the user.

Ainsbury is an information platform that automates the collection of data. Ainsbury provides a method of organizing the library of information and provides analysis using multiple content types. The information platform is a client server implementation that is subdivided into four major sections; data retrieval, data classification and storage, information browsing and desktop integration.

The claims as amended are patentably distinguishable over the cited references

The Examiner will appreciate that independent claims 1, 12, 22 and 25 have been further amended in order to include that the overwrite is periodically activated at discrete point in time prior to the initiation of said overwrite, subsequent to the user entering the parameters of said overwrite.

Prior art must be considered in its entirety, including disclosures that teach away from the claims (MPEP 2141.02 §6). Starek discloses a system where secured file deletion is performed in real time in an ongoing basis transparent to the user of the system. Through this method, secure deletion of files on storage devices is accomplished without relying on periodic actions by the user (column 2, lines 47-51). Because Starek expressly teaches away from a system where erase trigger is periodically activated at discrete points in time by the user, Starek cannot be said to suggest the desirability of the claimed invention (see column 1, lines 66-67).

Ainsbury, the other cited reference, is an information platform that automates the collection of data and does not disclose any form of data deletion, much less an erase trigger that is periodically set by the user. Because these two references do not suggest the desirability of the claimed invention as amended, there is no motivation to combine the two references (see MPEP 2143.01). Furthermore, even if there was a suggestion to

8

combine the two references, the two references combined do not teach each aspect of the claimed invention, particularly, the two references combined cannot be said to teach that an erase trigger is periodically activated at discrete points in time. As such, amended claims 1, 12, 22 and 25 are now patentably distinguishable over the references cited and are in proper condition for allowance. Because all other claims depend from claim 1, 12, 22 or 25, all other claims are also in proper condition for allowance, it is respectfully requested that all rejections be withdrawn.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-28) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.
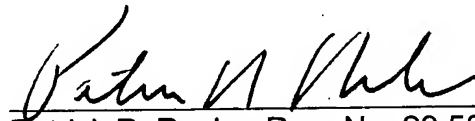
No additional fee is believed to be required for this Amendment D, however, the undersigned attorney of record hereby authorizes the charges of any necessary fees, other than the issue fee to Xerox Deposit Account No. 24-0037.
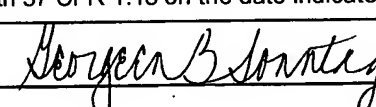
In the event that the Examiner considers personal contact advantageous to the disposition of this case, he/she is authorized to call Patrick R. Roche at telephone number 216-861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

Patrick R. Roche, Reg. No. 29,580
Eric W. Lee, Reg. No. 58,857
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

8/28/06
Date

N:\XERZ\201198\GBS0000986V001.doc